

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

FILED
U.S. DISTRICT COURT
NEW ALBANY DIVISION

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SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

JOHN T. COLE, Plaintiff, v. WELTMAN, WEINBERG & REIS CO., L.P.A. and LVNV FUNDING LLC, Defendants.	CASE NO. 4 : 11 -cv- 064 SEB -DML COMPLAINT
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COMPLAINT

I. INTRODUCTION

1. This is an action for statutory and actual damages, punitive damages, costs of the action and a reasonable attorney's fee brought by Plaintiff John T. Cole for violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq., by Defendants.

II. JURISDICTION

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d), 28 U.S.C. § 1331 and 1337.

III. PLAINTIFFS

3. Plaintiff John T. Cole is a natural person residing in West Harrison, Indiana.

IV. DEFENDANTS

4. Defendant Weltman, Weinberg & Reis Co., L.P.A. (hereinafter "Weltman, Weinberg") is a for-profit foreign professional corporation with its principal place of business in Cleveland, Ohio.
5. At all times relevant herein, Weltman, Weinberg was operating as a debt collector as defined by 15 U.S.C. § 1692a(6).
6. Defendant LVNV Funding, LLC (hereinafter "LVNV") is a for-profit foreign limited liability corporation with its principal place of business in Greenville, South Carolina.

7. At all relevant times herein, LVNV was operating as a debt collector as defined by 15 U.S.C. § 1692a(6).

V. STATEMENT OF FACTS

8. On December 20, 2010, Weltman, Weinberg filed a debt collection lawsuit, Cause No. 24C01-1012-CC-00372, on behalf of LVNV against Plaintiff in Franklin County Circuit Court.
9. Plaintiff resides in Dearborn County, Indiana.
10. LVNV is not licensed as a collection agency in the State of Indiana.

VI. CLAIMS FOR RELIEF

A. Fair Debt Collection Practices Act - LVNV

11. Plaintiff repeats, re-alleges and incorporates by reference paragraphs one through ten above.
12. LVNV violated the Fair Debt Collection Practices Act. These violations include, but are not limited to:
 - a. Filing a lawsuit against Plaintiff, and thereby conducting a collection agency, without being licensed in the State of Indiana as required by Indiana Code § 25-11-1-7 in violation of 15 U.S.C. § 1692d, 15 U.S.C. § 1692e and 15 U.S.C. § 1692f;
 - b. Filing a lawsuit against Plaintiff outside the judicial district where he lives or in which he signed the contract sued upon in violation of 15 U.S.C. § 1692i.
13. As a result of these violations of the Fair Debt Collection Practices Act, LVNV is liable to Plaintiff for his actual damages, statutory damages, punitive damages, costs, attorney fees and all other appropriate relief.

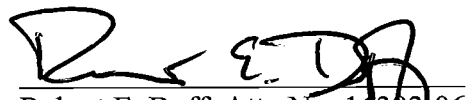
B. Fair Debt Collection Practices Act – Weltman, Weinberg

14. Plaintiff repeats, re-alleges and incorporates by reference paragraphs one through ten above.
15. Weltman, Weinberg violated the Fair Debt Collection Practices Act. These violations include, but are not limited to:
 - a. Filing an illegal lawsuit against Plaintiff on behalf of LVNV in violation of 15 U.S.C. § 1692d, 15 U.S.C. § 1692e and 15 U.S.C. § 1692f;

- b. Filing a lawsuit against Plaintiff outside the judicial district where he lives or in which he signed the contract sued upon in violation of 15 U.S.C. § 1692i.
16. As a result of the violation of the Fair Debt Collection Practices Act, Weltman, Weinberg is liable to Plaintiff for his actual damages, statutory damages, costs, attorney fees and all other appropriate relief.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in his favor and against Defendants in an amount that will compensate him for his actual damages, statutory damages, punitive damages, costs, attorney fees and all other appropriate relief.

Respectfully submitted,



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